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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

INITIAL REPORTS OF THE STATES PARTIES

MOROCCO

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INTRODUCTION

1. Morocco, which is a Muslim country of ancient civilization and traditions, has a modern legal system deriving from the Muslim religion.

2. Human rights are not an idea foreign to Islam. Islam is concerned with mankind through various stages, from the foetus to adulthood, and with women as mothers, wives, daughters and human beings on an equal footing with men as regards obligations and rights.

3. "O mankind! We created
You from a single (pair)
Of a male and a female,
And made you into
Nations and tribes, that
Ye may know each other ...
The most honoured of you
In the sight of Allah
Is (he who is) the most
Righteous of you" (Koran, XLIX, 13).

"Before the law men and women are brothers and sisters" (Hadith of the Prophet).

4. Islam has established the equality of women with men as regards civil rights whether they are married or not. In fact, marriage in Islam differs from marriage in most western societies in that it does not entail the woman's loss of her name, civil status, legal status or property rights. Muslim women keep their own name and surname after marriage and retain all their civil rights and their capacity to enter into contracts of all kinds and their property rights remain guaranteed. They also keep their civil status and personal fortune independently of their husbands. The husband is not authorized to take back what he has given his wife, just as he may not use her personal property except with the wife's completely free and full consent. Nor can the husband administer his wife's property unless she authorizes him to do so or gives him legal authority to act in her name, and in that case the wife can revoke the legal authority and grant it to another person of her choice.

5. In establishing these rights Islam has made a distinction between men and women only when it is dictated by considerations relating to the nature of each of the sexes, their responsibilities in life and what is most suited to them, as well as concern for the general interest and the good of the family and women.

6. Islam has also placed men and women on a footing of equality with respect to the right to education and culture. Islam authorizes women to acquire knowledge of science, literature, culture and wisdom on an equal footing with men, and even requires women to acquire a minimum of knowledge so that they can practice their religion and fulfil their responsibilities in life.

7. The Muslim religion has also established equality of the sexes with respect to the right to work. Women may therefore occupy the posts and carry out the

work they are capable of and which is not pernicious for them. The right of women to work is restricted only when that is necessary to maintain their dignity and to preserve them from anything contrary to the rules of morality. Islam requires that women should work within a framework of respect for morality and does not permit work by women which might damage society, prevent them from fulfilling their other obligations to their husbands, children and homes or demand more of them than they are able to give, as it requires working women to respect the teachings of the Islamic shariah as regards behaviour in society.

8. Islam has not been content simply to enunciate these rules and principles, as history teaches us that they were strictly applied in the time of the Prophet and his caliphs, that is, in the golden age of Islam. History in fact contains hundreds of irrefutable facts proving that the guides of that era imparted a sacred character to the principles of legal equality.

9. These facts show that Islam has offered women in general the conditions for higher education and that those who have taken advantage of them have reached positions which are in no way invidious to those of men. The reason for the ignorance which prevailed among Muslim women of past generations does not lie in Islam's educational system but in the deviation of Muslims from those precepts with respect to education. The fact that Muslim nations today educate women is not something new in their history, as these nations are merely reviving a practice followed by the Prophet and his companions. In that era women worked both inside and outside their homes, and some of them became famous for their heroic participation in war, for which they received honours similar to the military medals awarded in our time.

10. It should be noted that Moroccan labour legislation contains no provision authorizing any form of discrimination whatsoever between men and women, so that all workers enjoy the same rights on a footing of equality.

11. It is on this basis that Morocco ratified ILO conventions 100 and 111 concerning respectively equal remuneration and discrimination in respect of employment and occupation.

12. It is in this spirit also that the draft labour code recently submitted to Parliament lays down rules prohibiting any discrimination between workers including discrimination on the basis of sex which would violate the principle of equality of opportunity with respect to employment and occupation.

13. In order to implement this equality a labour inspectorate responsible for supervising application of the provisions of the Labour Code has been established. This is also a function of officers of the judicial police.

14. However, a number of deviations from the equality of the sexes specifically laid down by the Constitution exist with respect to personal status.

15. In a speech delivered on 20 August 1992, His Majesty the King emphasized the need to revise the Personal Status Code and invited the various Moroccan women's associations to submit written proposals to him.

16. Addressing about 40 representatives of women's associations invited for the purpose on 29 September 1992, His Majesty the King outlined the obstacles impeding Moroccan women from the enjoyment of their tranquillity and the freedom to exercise their rights, including those relating to divorce and repudiation, desertion, child custody, alimony and women's freedom of movement.

17. While denouncing this discrimination which "is counter to the teachings of Islam, the hadiths and the behaviour of the Prophet, who wished women to be equal to men before the law", the Sovereign emphasized the limits of revision of the Personal Status Code in the following terms: "We cannot prohibit what God has permitted nor make lawful what God has prohibited."

18. Following this meeting, the Moroccan women's organizations prepared proposed amendments to the Personal Status Code which were examined by a group of ulemas before being submitted to the Sovereign. His Majesty the King, as Commander of the Faithful, examined the proposals submitted to him and gave them his consent. The Personal Status Code was amended accordingly.

19. In June 1993 Morocco acceded to the Convention on the Elimination of All Forms of Discrimination against Women.

20. By acceding to this Convention the Moroccan Government wished to link the status of women to human rights and recognize the inseparable links between advancement of the rights of the human being, democracy and social, economic and cultural development. In so doing Morocco undertook to pursue a policy of eliminating discrimination against women and to report regularly to the Committee on the Elimination of Discrimination against Women on the progress made in this field.

21. The activities carried out by the public authorities are supported and supplemented by the efforts of the many national associations working for the advancement of women.

22. In conformity with the rules established, this document constitutes the first report to the Committee on the Elimination of Discrimination against Women pursuant to article 18 (1) of the Convention.

23. To adapt legislation, customs and practices to promoting and protecting the equality of rights of men and women is a task which demands continuing effort, sustained attention and careful follow-up by the authorities, associations and individuals.

24. This first report of the Kingdom of Morocco contains basic information on the degree of equality between men and women. It is intended to present the framework within which efforts to achieve equality between the sexes is carried out in Morocco, the progress made and the obstacles encountered.

25. This report consists of two parts, each of which answers the questions set out in the general guidelines for the form and content of the reports prepared pursuant to article 18 of the Convention.

PART ONE

1. What is the general social, economic, political and legal framework within which Morocco approaches the elimination of discrimination against women in all its forms as defined by the Convention?

26. Basing itself on its spiritual values and international commitments, and considering human rights an end in themselves and an essential factor of social and economic development, Morocco has taken a series of normative and institutional measures for the elimination of all forms of discrimination against women.

27. The status of women is one of the major concerns of the Ministry of Human Rights. This Ministry has, since its establishment in November 1993, held several working meetings with women's organizations, following which it prepared an action strategy intended to promote women's rights in all fields, in cooperation with the ministerial departments concerned.

28. While formerly women's questions were generally linked with social affairs the present approach emphasizes the connection of the status of women with human rights.

29. Equality between men and women is one of the chief goals of the State and action adequate to achieving it must be based on the principles of shariah and the legal instruments of the United Nations ratified by Morocco. Action in favour of women is carried out within the following general framework:

30. At the political level, Morocco is a democratic and social constitutional monarchy. It is governed by the Constitution approved by referendum on 4 September 1992 and promulgated on 9 October 1992. This new text contains new provisions intended to ensure a greater advancement of human rights, the strengthening of the prerogatives of Parliament, the increased responsibility of the Government and the creation of institutions strengthening the rule of law and more harmonious economic and social development.

31. The King embodies both a spiritual and temporal authority. The Government is responsible to the King and to Parliament. There are 12 permanent parliamentary committees. A constitutional council was established on 21 March 1994.

32. Morocco is a pluralist democracy. Article 3 of the Constitution provides that "Political parties, trade unions, local councils and professional chambers participate in the organization and representation of the citizens." "There can be no single party."

33. More than 11 parties, 9 trade unions, the national higher education union and two student unions exist.

34. In conjunction with profound political transformations, Morocco has applied itself to continuing its administrative restructuring and decentralization effort. The promotion of the region to the status of local collectivity by the

Constitution of 1992 is one of the most important reforms of recent years. The administration of the Kingdom has been divided into two levels of hierarchical territorial administration: a deconcentrated level made up of 7 economic regions and a decentralized level made up of wilayas, prefectures, provinces and localities.

35. The judicial authority is independent of the legislative and executive powers. The magistrates are appointed by Dahir on the proposal of the Supreme Council of Justice. The various jurisdictions of the kingdom are: the local and district jurisdictions, the administrative courts, the courts of first instance, the appeals court, the supreme court, the special court of justice, the high court and the permanent court of the royal armed forces. The Moroccan legal system is characterized by a legal pluralism in which the Islamic legal tradition coexists harmoniously with modern legislation.

36. Morocco now has a National Charter of the Moroccan Family and a programme of action worked out and adopted by the National Family Commission, which includes representatives of the ministerial departments concerned, non-governmental organizations, academics and research workers. The work of this Commission is carried out within the framework of the International Year of the Family (1994).

37. In recent years the information sector has developed with respect to both the audiovisual field and the written press. The world of the press, which is pluralist, saw the holding in March 1993 of the first national colloquy on information and communications, which constituted the point of departure for a new approach intended to adapt the national media to the profound changes which have taken place in the field of communications at the national and international levels.

38. At the economic level, Morocco's choice of liberalism goes back to the beginning of independence. The signature of the GATT agreements at Marrakesh in 1994 constitutes an affirmation both of the choice of liberalism and the results of the programme of structural adjustment.

39. The mission of the National Council of Youth and the Future established on 20 February 1991 is to create favourable conditions for the effective integration of young people into national economic, social and cultural life.

40. The chief goals of the reform of vocational training undertaken since 1985 are enlargement of the framework and structures of training, the creation of new training networks and modules, adaptation to the economic and social realities and the needs of the productive sectors, the development of advanced training and improvement of the quality of training for greater efficiency.

41. At the social level, Morocco's population is young and mostly rural. Efforts have been made to reduce the rate of demographic growth, which is now about 2 per cent per year. Morocco has a health infrastructure and a medical and paramedical corps which is in steady progression in order to meet the growing needs of the population.

42. The special importance given to education by the State is shown by the amount of investment in that sector. The educational budget represents 26.3 per cent of the State's general budget. The educational system has undergone several reforms intended to reduce regional disparities and ensure the spread of education.

43. Morocco has a rich and varied cultural patrimony. Moreover, 1 per cent of the budget of local communities is devoted to culture.

44. Morocco's present sports infrastructure is among the world's most modern and competitive. Several world records have been achieved by Moroccan athletes.

2. What legal or other measures have been adopted to implement the Convention and what are the effects which ratification of the Convention has had on the general social, economic, political and legal framework of Morocco since the entry into force of the Convention for Morocco?

2.1 Legal measures

2.1.1 Reform of family law by the legislative Dahirs of 10 September 1993:

(a) Marriage and exchange of consent

45. The reform introduced is intended to ensure the real consent of the woman to the marriage and prohibits any constraint. Under article 5, paragraph 1, of the revised Moudouana (Personal Status Code), "Marriage can only be concluded with the consent and agreement of the bride ... and in no case shall the wali (guardian) have the power to compel marriage, taking into account the provisions of articles 12 and 13 ...". This text and the new wording of article 12 do away with the power of matrimonial constraint (which appeared in article 12, para. 4, in the hypothetical case of "fear of immoral conduct by the girl"). Moreover, article 5, paragraph 1, of the reformed text provides that "Marriage can only be concluded with the consent and agreement of the bride and by the affixing of her signature to the extract of the marriage certificate drawn up by two adouls (notaries) ...". Moreover, article 12, paragraph 4, states that "an adult woman whose father is deceased has the right to conclude (the marriage) herself or delegate a wali (guardian) of her choice."

46. Several associations would have preferred that the distinction between an adult woman whose father is deceased and one whose father is not should be dropped.

47. New article 41 provides that "the two adouls can draw up the marriage certificate only after presentation of the following documents:

1. An extract from the birth registrations of the bride and groom if their births have been registered;

2. An administrative certificate for each of the fiancés stating the names and surnames of the future spouses, their family situation, date and place of birth, domicile or residence and their fathers' names;

3. A copy of the permit issued by the magistrate if the party concerned is below matrimonial age;

4. A copy of the permit issued by the cadi (judge) for the marriage of an insane or feebleminded person;

5. A copy of the permit issued by the cadi (judge) to a husband who wishes to have several wives;

6. The documents proving the dissolution of a marriage and the completion of the period of continence (idda), the existence of an act of repudiation, dissolution of a marriage by mutual consent and compensation (khol), judicial divorce or a death certificate for a former spouse;

7. A medical certificate for each of the future spouses proving that they have no contagious diseases."

48. It will therefore be difficult henceforth for anyone to conceal his marital status, previous marriages or a contagious disease. However, there is a debate regarding AIDS: opposing the moralistic, religious point of view there is another which favours individual liberty and voluntary, accessible, free and confidential testing. Pending a decree, a circular (No. 46/DR, 10 of 14 December 1993), adopted by agreement with the Ministry of Justice and the national association of doctors, has been issued by the Minister of Public Health establishing a standard model prenuptial certificate.

(b) Reform of polygamy

49. The reform introduced subjects polygamy to the judge's control and requires that both wives be informed. Thus, article 30 of the Personal Status Code requires that the first wife be informed of her husband's desire to marry again and the second wife that he is already married. In every case, if there is a risk of injustice, the judge will not authorize the polygamy.

(c) Reform of repudiation

50. The reforms of 1993 affected the Moudouana, the Code of Civil Procedure and the Dahir of obligations and contracts. They are intended to make repudiation more difficult and to impose monetary fines on the husband where it is abused.

51. Article 48 of the Moudouana has been reformed and articles 52 bis and 156 bis have been added.

(a) Article 48 provides that:

"1. (The request for) repudiation must be received by two adouls (notaries) serving within the territorial jurisdiction of the cadi (judge) in which the conjugal domicile is located;

"2. The repudiation will be registered only in the joint presence of the two parties and after authorization is given by the cadi ... If the wife

receives the summons of the cadi and does not appear, her presence is dispensed with if the husband maintains his decision to repudiate her."

(b) Article 52 bis reads: "Any husband who takes the initiative of repudiating his wife must give her a consolation gift (mout'a) to be established in accordance with his means and the situation of the repudiated wife. If it is established that the repudiation is not for valid reasons the cadi must take into account any damage the wife has suffered in determining the consolation gift."

(c) Lastly, article 156 bis provides that: "A family council shall be established to assist the cadi in his functions with respect to family matters."

52. The legislator has amended and extended article 179 of the Code of Civil Procedure as follows:

> "Before authorizing the repudiation, the cadi must make an effort to conciliate the spouses by any means he considers appropriate, including sending two arbitrators to the couple for that purpose.
>
> "The arbitrators should determine the causes of the misunderstanding between the two spouses and make an effort to reconcile them.
>
> "If they are reconciled the arbitrators should record the agreement in the report they submit to the cadi; if not, they should state the causes of the misunderstanding in their report.
>
> "On authorizing the repudiation, the cadi shall establish the amount of the bond the husband must deposit with the court before the acceptance by the adouls of the declaration of repudiation: this bond is intended to guarantee execution of obligations provided for in the next paragraph.
>
> "On confirmation of the act of repudiation the cadi shall ex officio issue an order established the amount of alimony to be received by the wife during the period of statutory withdrawal, the place at which the withdrawal is to be spent, the consolation gift to be given to the wife, fixed on the basis of the possible damage she has suffered because of unjustified repudiation, the payment of the outstanding amount of the dowry, the child support payments and the father's visitation rights. This order shall be enforceable immediately and without appeal."

53. Article 1248 of the Dahir of obligations and contracts henceforth includes "the damage that may be done to the wife as a result of unjust repudiation" as establishing a privileged claim to furniture.

(d) Reform of guardianship

54. The reform breaks with the past, as the mother, on the father's death, now becomes the legal guardian. New article 148 provides that: "Legal representation shall be assumed (in the following order) by:

(a) The father;

(b) The adult mother, in case of the father's death or loss of legal capacity ...;

(c) The testamentary guardian or a person delegated by him;

(d) The guardianship magistrate;

(e) The dative guardian.

"The guardian appointed by the father and the representative of that guardian shall be considered testamentary guardians;

"The guardian appointed by the guardianship magistrate shall be considered the dative guardian.

(e) Reform of alimony

55. The novelty resides in the use of an expert to estimate the amount of alimony. Thus, article 119 of the Moudouana states that "In establishing the nafaqa (alimony) and its appurtenances, the resources of the husband, the situation of the wife and the level of prices are to be taken into account, on the basis of an average. The amount shall be fixed by the person designated by the magistrate. It shall be established in the form of an injunction. The first judgement rendered shall remain enforceable until the extinction of the right to support or until it is amended by another judgement." The use of an expert is thus introduced and, in conformity with article 179 of the Code of Civil Procedure, the decision is enforceable immediately and without regard to any possibility of appeal. The reform thus eliminates the need for the renewal of requests for support.

56. Whether the nafaqa is that of the spouse, the children or the grandparents, paragraph 2 bis of article 1248 of the Dahir of obligations and contracts establishes a privileged lien on the furniture.

57. Attention has been given by the legislator to the prevention, treatment, education, training and social integration of the disabled of both sexes (Decree-law No. 1-92-30 of 10 September 1993).

2.1.2 Other legal measures

58. The Industrial Investments Code provides a series of incentives for heads of industrial enterprises, whether men or women, provided that they meet the conditions established by the legislation.

59. Marital authorization in order to obtain a passport has also been eliminated.

60. A draft dahir submitted to the General Secretariat of the Government by the Minister of Trade and Industry as bill No. 274 of 14 April 1993 proposes the deletion of articles 6 and 7 of the Commercial Code of 12 August 1913.

Article 6 requires the husband's authorization for a woman to engage in commerce. To avoid any other interpretation, article 19 of the draft Commercial Code also clearly provides for the freedom of married women to engage in commerce.

61. The draft Labour Code also provides for eliminating the provision requiring a husband's authorization of his wife's paid employment.

62. In the draft Code of Criminal Procedure, the provisions of article 336 requiring a wife to obtain authorization from a magistrate to bring suit against her husband have been deleted.

63. It is further intended as part of the reform of the Criminal Code now in progress to eliminate any provisions discriminating against women in any way.

64. The decree relating to the family council in the legislative Dahir of 10 September 1993 (article 156 bis) places the two spouses on a footing of equality.

2.2 Institutional measures

2.2.1 The Ministry of Human Rights

65. Established in November 1993, the Ministry embodies the institutional integration of respect for, defense and protection of human rights with governmental policy.

66. Its essential purposes are to ensure coordination with citizens and groups, to investigate complaints and to promote respect for human rights. It also seeks to ensure that domestic law is in conformity with international instruments and to spread respect for human rights throughout society.

67. In its philosophy and actions the new Ministry regards women's right as an integral part of human rights and gives special importance to the rights of all segments of society (women, children, the elderly, etc.).

2.2.2 The Parliamentary Commission of Justice, Legislation, and Human Rights

68. The addition of human rights to this Commission's activities is a novelty in the current legislature and testifies to the increasing interest of the legislative power in civil, political, economic, social and cultural human rights.

2.2.3 The "Integration of Women into Development" Unit of the Ministry of State for Foreign Affairs and Cooperation

69. Its basic and immediate goal is to mobilize the financing and technical expertise needed for the effective participation and integration of women into the process of sustainable development with the help of the United Nations Development Programme or any other appropriate development aid body.

2.2.4 The associational movement

70. In addition to more than 32 women's associations, 3 new ones have been established (the Moroccan Association of Progressive Women, the Democratic League for Women's rights and the Moroccan Association for Women's Rights). In addition to the three human rights associations - the Moroccan League for Human Rights (1972), the Moroccan Association for Human Rights (1979) and the Moroccan Organization for Human Rights (1988) - a fourth association has been established, the Committee for the Defense of Human Rights (1993). All these associations have appropriate structures for women's rights or have a special interest in women's questions.

2.3 Activities

2.3.1 Teaching of human rights

71. Following a recommendation made to His Majesty the King by the Advisory Council on Human Rights, a series of lectures or the teaching of human rights has been introduced in various higher educational establishments (the school of advanced training of the Ministry of the Interior at Kenitra, the Royal Police Institute at Kenitra, the officers' training schools of the Royal Rural Police and the advanced training school of the Royal Rural Police at Marrakesh, and the Royal Military Academy of Meknes).

72. Since the 1991/1992 school year, a course in human rights has been taught at the National Legal Studies Institute. Within that framework, the Institute has also organized a colloquy on "The State of law and the role of justice in the countries of the Maghreb" in cooperation with De Pauw University of Chicago.

3. Are there institutions or authorities which have as their task to ensure that the principle of equality between men and women is complied with in practice? What remedies are available for women who have suffered discrimination?

73. To the extent that the principle of equality between men and women has been established by the Constitution, an international treaty, legislation or regulations, any violation of that principle may entail legal proceedings before either the common law jurisdictions or the administrative courts (when it is the administration that is responsible for the discrimination).

74. Apart from this remedy, there are no specialized institutions responsible for ensuring compliance with the principle of equality between the sexes in practice.

4. What methods are used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on the basis of equality with men?

75. Various methods are used.

76. Legal regulation: i.e., the adoption of constitutional or legislative rules and regulations establishing equality between the sexes or prohibiting discrimination. Failure to comply with or violation of these rules is legally punished.

77. Education: a programme of action established jointly by the Minister for Human Rights and the Minister of National Education is directed towards working out a set of educational tools and methods which will make it possible to disseminate a sense of the rights of human beings in the schools and secondary schools.

78. The media are conducting a broad campaign of both awareness-raising and education as well as the condemnation of discriminatory practices, through:

(a) Specialized newspapers (8 March, Farah);

(b) Book series (Collectif 95, Maghreb Egalite, Collection Approches, Collection Femmes et Institutions, Collection Femmes Maghreb Horizon 2000, Collection Marocaines Citoyennes de Demain);

(c) Films (Poupées des roseaux, Noces de Sang, Mille et Une Mains, les Portes du Ciel, A la Recherche du Mari de ma Femme);

(d) Video-clips (La Mule Indignée).

79. All the women's associations carry out campaigns from time to time in favour of particularly vulnerable groups of women (rural women, very poor women, divorced women). Their work is focused in large part on literacy, civic, home and health education, family planning, the extension of credits and the encouragement of cooperatives.

80. The State's work in favour of vulnerable groups of women complements that of the associations. To give only a few examples, the Ministry of Agriculture and Agricultural Development plays a primary role in the advancement of rural women through the training of teachers and the encouragement of cooperatives and small income-generating projects.

81. The Ministry of Employment and Social Affairs also conducts similar campaigns: a literacy campaign, vocational training in 1993-1994 in 495 centres of which 50 per cent were in rural areas and which trained 14,633 people under 3,321 trainers, the establishment of 104 production cooperatives which benefited 6,667 girls, and the encouragement of women's self-help.

82. Within the Ministry of Justice there is growing interest in improving conditions for women prisoners whether through better sanitation or social assistance, and particularly in problems relating to civil status, literacy programmes and the establishment of creches inside prisons.

83. Maternal and child health supervision and family planning are a daily concern of the Ministry of Public Health, which is making considerable efforts in these fields and obtaining satisfactory results.

84. It can be asserted that the combined efforts of the State and the non-governmental organizations since the Copenhagen conference and especially since Morocco's ratification of the Convention are aimed at raising still further society's awareness of human rights as focused on non-discrimination. Naturally, many things remain to be done, especially in the rural world and with respect to the most vulnerable groups of women.

85. It should also be noted that the role of political parties in the consciousness-raising and advancement of women is not negligible. These parties include very active women's sections which participate in the various national and international manifestations of support for women's rights. They also organize campaigns to raise public awareness of the status of women.

5. Can the provisions of the Convention be invoked before and directly enforced by the courts or administrative authorities or must they be implemented by way of internal law or administrative regulations in order to be enforced by the authorities concerned?

86. The Convention has not been implemented by laws or administrative regulations. Morocco belongs to the group of countries which incorporate the conventions ratified directly into positive law. Consequently, the provisions of the Convention may be invoked before the courts or administrative authorities.

PART TWO

1. Constitutional, legislative, administrative or other provisions in force

1.1 Civil rights

87. Because the family is the foundation of society as a whole, it receives special attention from the public authorities, non-governmental organizations and benevolent associations in Morocco and occupies an important place in the country's economic and social development programmes. The goal of this concerted action is to promote the living conditions of the individuals who make up the family and ensure their economic, social and cultural welfare.

88. Since the entry into force of book one of the Personal Status Code a minimum age of marriage has been established. Under article 8, paragraph 2 of the Moudouana in force, a girl may not marry before reaching the age of 15. No age dispensation is provided for. Article 12, paragraph 4 of the Moudouana establishes the principle that the guardian (wali), whether or not he is the father, may not compel a girl of marriageable age to enter into marriage without her prior consent and approval. That consent must be accompanied by the consent of the matrimonial guardian if the girl, although of marriageable age, has not reached the age of civil majority. The guardian may object on the grounds of misalliance (article 14 of the Moudouana). If the guardian refuses his consent and the disagreement between the candidate for marriage and the wali persists, the matter is brought before the magistrate (article 9 of the Moudouana). If the matrimonial guardian maintains his abusive refusal the magistrate gives the girl in marriage in accordance with the provisions of article 13 of the Personal Status Code. The consent of the woman to the marriage may not be invalidated and may not be subjected to a condition or a time-limit. This explains the provisions of articles 2 and 3 of the Moudouana relating to engagements which do not constitute marriage. However, the woman may add to her consent certain clauses not contrary to the essence of the marriage during the preparation of the act drawn up by the adouls (notary witnesses) and certified by the judge (notary cadi).

89. The wife has a right to the dowry and to support, which are the husband's responsibilities. The right to alimony ends with the death of the husband or a discharge by the wire, or when the wife, having been the object of a revocable repudiation, leaves the place of statutory withdrawal without a valid motive and without her husband's consent.

90. What are the civil penalties for lack of support? The wife has a choice: she may either institute proceedings for the execution of this obligation, which would mean the sentencing of the husband to pay her alimony in cash, or she may cite the lack of support as grounds for divorce. Lack of support for a wife by her husband is also one of the elements of the offence of family abandonment sanctioned by the Criminal Code.

91. With regard to the obligation of support, article 179 of the Code of Civil Procedure provides that: "Requests for alimony shall be ruled on in the form of an injunction. Decisions on this subject shall be immediately enforceable

without respect to any possibilities of appeal ...". The addition of a paragraph 2 bis to this article was the subject of debate during the 1972-1978 legislature. This text (Dahir of 18 April 1979) permits the magistrate, within a period of one month from the date of the request, to grant anyone entitled to it temporary alimony taking into account the validity of the request and the evidence submitted to support it, pending a ruling on its substance.

92. The legislator has chosen the principle of the separation of property between spouses (article 35). Thus marriage does not give rise to community of property. The wife retains the administration and disposition of her own property. With regard to administration the married woman has full capacity. She may take any actions required for the management and conservation of her property. The same is true with regard to its disposition. The Moudouana does not include an exception provided for by the Malikite school (the wife being unable to make a gratuitous gift of more than a third of her property without her husband's authorization). Consequently, the married woman's capacity is complete in this respect. As regards the separation of property, article 39 of the Moudouana provides for the case of disputes regarding the ownership of movable property in the family domicile. "In the absence of certain proof, the word of the husband, or oath, shall be accepted with regard to objects customarily used by men, and the word of the wife, on oath, with regard to objects customarily used by women. Objects used by both men and women shall, on the oath of both spouses, be divided between them."

93. Article 1 of the Moudouana also retains the principle of fiqh according to which the husband is the head of the family. The wife accordingly owes obedience to the husband in accordance with customary usages (article 36, paragraph 2).

94. The Moudouana does not refer to the power of correction the husband may exercise over his wife. It merely recalls (articles 1 and 34, paragraph 2) the spirit which should reign within the couple (good relations, affection, mutual respect). But if the husband beats his wife she may request divorce on grounds of ill-treatment (article 56 of the Moudouana). The husband has a right of supervision over decisions relating to his wife's private life and to the household. It is he who decides the family's domicile. The wife owes deference to the husband's parents.

95. Moroccan law includes another instance of discrimination in favour of men. Article 29 of the Moudouana prohibits a man from having more than four wives at a time. Tetragamy is theoretically possible. Women on the other hand are constrained to monogamy. A woman has the right to stipulate in the marriage certificate that her husband undertakes not to take a co-spouse and to grant her the right to request the dissolution of the marriage if that undertaking is violated. Even where the wife has not reserved the right to choose and her husband contracts another marriage, she may bring the matter before a magistrate, who will assess the damage the new union causes her. Article 35, paragraph 2 of the same text provides for equality of treatment between wives in case of polygamy. And under article 119, paragraph 2, the husband cannot establish a co-spouse in the same house as his spouse without her consent. All of these provisions are to be seen in the light of the reforms introduced by the

legislative Dahir of 10 September 1993, which changes the terms of the problems by subjecting polygamy to judicial authorization.

96. In Moroccan law, a wife of Moroccan nationality may not confer her nationality on her husband (unlike a Moroccan husband). On the other hand, the perpetual de facto retention of nationality applies as much to the husband as to the wife.

97. There are several ways to dissolve a marriage: legal divorce, the right of option (tamlig), repudiation by mutual consent and compensation (Khol) and unilateral repudiation by the husband. On these questions, the provisions of the Moudouana and the Code of Civil Procedure have been reformed by the legislative Dahirs of 10 September 1994.

98. In the criminal sphere, indecent exposure, homosexuality, sexual relations outside marriage, assistance to prostitution and the practice of prostitution, procuring, public solicitation, the corruption of minors, the abduction of minors, indecent behaviour and rape are punishable. The Moroccan legislator endeavours to protect sexual morality.

99. The Criminal Code makes a discrimination as regard adultery. Article 491, paragraph 1 deals specifically with this offence. The same punishment is provided for both the wife and the husband convicted of adultery. But this equality does not apply to the legal justification of murder or bodily injury, which is granted only to a husband who discovers his wife in the act of adultery (article 418). Another inequality between the sexes is to be noted. In principle, prosecution for adultery is possible only on the complaint of the injured spouse (article 491, paragraph 1). However, if the husband is outside the territory of the Kingdom a wife who is publicly known to be engaging in adulterous relations may be prosecuted ex officio by the Public Prosecutor (article 491, paragraph 2). No provision is made for the reverse situation.

100. Procreation is one of the goals of marriage. The text of the Moudouana states that the goal of marriage is the desire for procreation (article 1), gives a special place to puberty, the consummation of marriage and the period of continence, requires cohabitation between spouses (article 43, paragraph 1) and enumerates among the rights of the family the attachment to the spouses of the children born of the marriage (article 34, paragraph 4). The age of marriage is low (15 for a girl). The rights of polygamy and repudiation are retained. Divorce for defects of the genital organs is permitted (article 54). The jurisprudence has prohibited the celibacy clause imposed on stewardesses of Royal Air Maroc. The Criminal Code punishes castration, abortion and infanticide.

101. The modes of proof accepted in Moroccan law for the establishment of paternity are: the presumption of legitimate paternity; the acknowledgement of the father, the testimony of two adouls establishing that the child is indeed the son of the husband and that he was born of the conjugal relations of the spouses (article 89 of the Moudouana). The first paragraph of article 83 of the same Code sets out the effects of legitimate paternal filiation.

102. On the other hand, natural filiation through the father does not exist. A natural child can never be attached to his father, by either the father's voluntary or forced acknowledgement. Natural affiliation takes effect only between the child and the mother (article 83, paragraph 2, of the Moudouana). An unmarried mother may give her name to her child only if she obtains the written authorization of her father or her brothers.

103. The jurisprudence rejects proof of filiation on the basis of the civil register (Dahirs of 1919 and 1950, as amended) and disproof of paternity on the basis of scientific methods.

104. Similarly, Moroccan law recognizes the kafala (the institution which consists of caring for an abandoned child) but does not recognize adoption.

105. Support of the child is in principle the responsibility of the father. A girl retains the right to nafaqa until her support becomes the responsibility of her husband and a boy until he reaches the age of puberty and is considered able to earn a living. If a boy continues his studies he remains entitled to support until they are ended or he reaches the age of majority.

106. Taking the position of the Hanefite school, article 129 of the Moudouana requires a rich mother to meet the needs of her children if the father is unable to support them. However, this obligations falls on the mother only as a matter of exception. She is free of the obligation as soon as the father's fortunes improve. The offence of family abandonment is punishable under the Criminal Code (articles 479 to 482).

107. Custody consists of protecting a child, to the extent possible, from what might be harmful to it, bringing it up and looking after its interests. It is regulated by articles 99 to 109.

108. As has been seen, those provisions were reformed by the legislative Dahir of 10 September 1993, which also revised legal guardianship.

109. Book 6 of the Moudouana deals with inheritance. The general principle adopted by the text is that the legal order of inheritance established by the Koran cannot be changed. The law specifies the heirs, establishes the share of each heir and determines their respective situations.

110. The present system is based on the double system: where the relationship to the deceased is the same, females receive half of the share going to males, in accordance with the specific provisions of the Koran.

1.2 Political rights

111. By referendum of 4 September 1992, the Moroccan people adopted a revised constitution (promulgated by Dahir No. 1-92-155 of 9 October 1992) which constitutes a new stage in the building of a modern Morocco.

112. This Constitution strengthen the rule of law to the extent that, in addition to the provisions protecting individual and collective freedoms with

which Morocco endowed itself on achieving independence, it solemnly proclaims Morocco's attachment to universally recognized human rights.

113. The Moroccan Constitution contains a number of provisions guaranteeing the rights recognized by international instruments. This is the case, inter alia, for article 5, which provides that all Moroccans are equal before the law, for article 9, which guarantees all citizens freedom of movement, freedom of opinion and expression in all its forms, and freedom of association and to belong to trade union and political organizations. The same is true for article 19, which safeguards the right to private life, and article 15, which guarantees the right to property.

114. The political rights of women are set out clearly in the Constitution and the international agreements ratified by Morocco.

115. Article 8 of the Constitution states that "men and women enjoy equal political rights. All adult citizens of both sexes in possession of their civil and political rights are eligible to vote".

116. Article 12 of the Constitution states that "all citizens have equal access to public services and public employment".

117. The Dahir of 24 February 1958 establishing the General Public Service Statute specifies that no distinction between the sexes is to be made in applying the General Statute, except as otherwise provided in special statutes.

118. Positive law recognizes the principle of equal access by citizens to public services and employment. There are, however, both legal and factual derogations from the principle.

119. Under article 1, paragraph 1 of the General Public Service Statute "every Moroccan has the right of equal access to public employment".

120. Following the Constitutions of 1962 and 1970, the Constitution of 10 March 1972, revised in 1992, states that "all citizens have an equal right to education and employment".

121. In consonance with this constitutional enshrinement of the principle of equal access, Morocco has signed the Convention on the Political Rights of Women opened for signature by States members of the United Nations (1953).

122. Article 1, paragraph 2 of the General Public Service Statute opens the way for the Administration to depart from the principle of equal access, as it adds that: "Subject to the provisions it establishes or which are a result of special statutes, no distinction between the sexes shall be made in he application of this Statute".

123. The General Statute does not explain the justification for the departures from the principle of equal access that may be contained in the special

statutes. In any case, some examples of the legal departures from the principle may be given (other texts are given in the annexes*).

124. Firstly, the Royal Decree of 9 March 1967 establishing a special statute for the staff of the Ministry of Postal, Telegraphic and Telephonic Services reserves certain posts for one or the other sex: "Postmen shall be recruited ... from among the male candidates ..." (article 3), while supervisory posts are expressly reserved for women (article 15). Article 36, paragraph 2 further specifies that "taking into account the nature of the work, some branches or specialities may be reserved for candidates of one or the other sex".

125. As a part of the expanded use of the national identity card and the computerization of the technical data needed for it, the General Directorate of National Security also had to call on women. For that purpose, a decree of 8 July 1977 expanded article 45 of the special statute for such staff to read: "As a temporary measure, and for a period of five years from the date on which this decree takes effect, the General Director of National Security may recruit ... the technicians of both sexes needed for the operation of his services".

126. In both the police and the customs administration, women are excluded from active service.

127. In the same order of statutory exceptions, the profession of firefighter remains the privilege of men.

128. It likewise becomes apparent from analysis of the provisions of statutes relating to staff excluded from the field of application of the General Public Service Statute that the statute of auxiliary forces staff - unlike that of commissioned and non-commissioned military personnel - makes no reference to female personnel.

129. The Royal Decree of 10 February 1966 establishes the conditions of recruitment and remuneration of female military personnel of the health and social services of the Royal Armed Forces.

130. An Order of the Minister of State for National Defence of 24 May 1966 in turn established the list of specialized posts which can be filled by female military personnel of the health and social services of the Royal Armed Forces as follows: "The specialized posts which can be filled by female non-officer personnel of the health and social services of the Royal Armed Forces are, for the health service, those of: student doctor, pharmacist, midwife, student nurse, graduate basic nurse, graduate specialized nurse, nurse's aide and medical secretary; and for the social service: student social assistant and social assistant's aide.

131. Article 38 bis, ter and quater of the Dahir of 17 May 1958 deals with female personnel in the case of officers. Pursuant to the provisions of

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* The annexes are not included in this report.

article 38 ter, an Order of the Ministry of National Defence and Major General of the Royal Armed Forces of 30 March 1972 establishes the list of specialized functions which can be carried out by female personnel with the rank of officer, but article 1 deals only with the health service (doctor, pharmacist, surgeon dentist, veterinary). The omission was rectified by an Order of the Prime Minister of 19 May 1976 which added the social service (social assistance). In addition to the legal derogations, it calls for de facto exceptions.

132. No provision of the Dahir of 1 March 1963 establishing a special statute for the administrators of the Ministry of the Interior explicitly prohibits the access of women to positions as Ministry officials. In fact, there are no women in such posts.

133. Another example may be given. The Royal Decree of 2 February 1964 establishing a special statute for the general inspectorate of finances does not explicitly prohibit the admission of women. But, although women meet the conditions required for candidacy to that body it remains in fact reserved for men.

134. One final example may be added, the corps of forestry officials, where women are in fact excluded once again, for the following reasons: the isolation of life in the forests, the need for endurance, patrols on horseback, etc.

135. Side by side with the principle of equal access which is subject to legal and factual exceptions, the General Public Service Statute establishes other conditions for recruitment.

136. Article 21 of the General Statute establishes the conditions for recruitment to the public services in the following terms: "No one may be appointed to public employment who is not: (1) of Moroccan nationality, (2) in possession of civic rights and of good morals, (3) able to meet the physical conditions required for the post".

137. Paragraph 4 of the same article adds another condition: "if his status with respect to the law concerning military service is not in good order". But it follows from a reading of article 1 of the Royal Decree of 9 June 1966 establishing the institution of military service that this condition does not apply to female candidates for recruitment to the public service.

138. However, under the provisions of the legislative Dahir of 13 August 1973, women are required to have fulfilled the obligations arising from the institution of civic service.

139. Age limits for access to public employment applying to both sexes re established by the General Public Service Statute. These limits may constitute a de facto obstacle for women who wish to supervise the upbringing of their children personally and hold public employment after their children have grown up.

140. Article 22 of the General Public Service Statute establishes the modes of recruitment. Access to the various branches is on the basis of competitive

examination, qualifications, a vocational aptitude examination or the completion of a period of probation.

141. The Royal Decree of 22 June 1976 which regulates the general organization of competitive examinations and examinations for all of the services provides that candidates may not sit for a competitive or other examination more than three times.

142. The means of recruitment which is becoming general for the junior and middle levels is that of competitive examination. The competitive examination system gives women the assurance of equality of opportunity with male candidates. The procedure presents certain advantages as compared with hiring in the private sector. Thus, theoretically at least, it ensures the absence of discrimination between citizens and between the sexes, at least within the framework of the written examination.

143. Access to higher-level posts in the public service is most often by recruitment on the basis of standing among the graduates of the regular course of studies of the National School of institutions established by the State.

144. Access to some posts by competitive examination is limited to candidates with certain degrees (university degrees or the equivalent).

145. No discrimination between men and women can be practised with respect to promotion or remuneration throughout their careers. In fact, women benefit much less than men from the various opportunities offered civil servants to improve their situation. These inequalities of fact in career development, together with the low level of female recruitment in the public service, hinder the careers of women civil servants.

146. As in the case of the principle of equal access, women officials are subject to the same rules as their male colleagues in the course of their careers. Although the principle is that of the equality of the sexes, matters in fact work out differently.

147. We enter here into an area where irrefutable proof is difficult. In general, it may be said that the presence of women side by side with men has not yet been accepted by all officials, a good many of whom remain imprisoned by archaic prejudices. For their careers to proceed satisfactorily, women must prove themselves on a daily basis.

148. The General Statute offers all civil servants various opportunities for career advancement. It is difficult to grasp the inequalities between male and female careers. However, it may be said very generally that women's careers proceed by seniority. Women pursue a career of the linear kind. They advance from step to step without changing grade (or category). Movement from step to step is the result of seniority and the evaluation of the chief of service. This of course applies to all civil servants. In fact, under the provisions of the Decree of 8 July 1963, even the civil servant with the poorest evaluation manages to advance through the 10 steps of his grade, although with a maximum seniority of 31 years. The civil servant with the highest evaluation on the other hand manages to advance through the same steps with a minimum seniority of

21 years. Even this second way is long. That is, however, the situation of most women civil servants.

149. There are two means of promotion from grade to grade: optional promotion and competitive examination (or professional examination).

150. Women are rarely the beneficiaries of optional promotion. The evaluations by superiors and the recommendations of the joint administrative committees, which are made up mostly of men (both of which are required for any promotion) seem in fact more favourable to men than to women.

151. That is why promotion by competitive examination remains the method which, in theory, best ensures equality between officials. Moreover, as it is open to civil servants from the fourth step on, the professional aptitude test and the competitive examination make quick promotion possible for those who succeed in them, whereas a civil servant recommended for promotion by his or her hierarchic superior cannot be given this optional promotion until he has reached the eighth step of his grade.

152. The number of women heads of service and even heads of section is low. It is clear that the recent entry of women into the public service and the generally middle of low level at which they have been recruited do not weight in their favour. Moreover, the promotion of recently recruited officials, whatever their sex, is hindered by the age structure of public service staff.

153. Turning to another area, the regulations are being adapted to the needs of women.

154. In the course of their careers, women officials are forced to give up their work at certain times in their lives. The General Public Service Statute includes rules in favour of married women with children which should enable them to reconcile their professional occupations with their family obligations.

155. Although inspired by the French general statute of 1946 and 1959, the General Statute has remained unchanged, particularly as regards its social provisions. Article 46 of the General Public Service Statute provides that, apart from other leave "female staff members receive maternity leave with pay for a period of ten weeks". The modalities of implementation of this provision were established by a Royal Decree of 12 March 1966. This text provides that the person concerned must be placed on maternity leave four weeks before the presumed date of the birth (article 1, paragraph 1). She is required to submit a certificate of pregnancy to her administration during the third, sixth and eighth month of her pregnancy, with the last certificate indicating the presumed date of the birth (article 2). The Royal Decree of 12 March 1966 adds that whatever the actual date of the birth, the maternity leave shall end ten weeks from the date on which it began (article 1, paragraph 2). In the case of premature birth, the length of the maternity leave shall be counted from the date of the birth (article 3).

156. Maternity leaves are at full pay and are considered a period of employment. The woman civil servant may take her annual leave during the year of her maternity leave.

157. Women civil servants are privileged as compared with women subject to ordinary social legislation. To say that they are favoured as compared with their male counterparts is to ignore the biological justification for maternity leave and the undeniable social character of maternity.

158. Accordingly, the women,s non-governmental organizations maintain, society should grant that social character unreserved recognition by assuming all the burdens that may flow from it and particularly by eliminating any possible discrimination against women based on absences by reasons of maternity.

159. Moreover, although the four week prenatal leave granted to women civil servants seems adequate to protect the health of both the pregnant woman and the unborn child, the same is not true for the period of postnatal leave. The reason is simple, according to the women's non-governmental organizations.

160. Even if it is considered that the problems arising after the birth of children should be the concern of both parents, it is in fact primarily if not solely the woman who cares for the infant. Two solutions are therefore possible: either the length of the postnatal leave must be extended (which is all the more necessary because the State's assistance to mothers of families, in the form of crèches, etc.) is inadequate, or the domestic burdens must be shared in a more equalitarian manner.

161. Article 59 of the General Statute provides for special leave on half-pay for female staff. The leave is granted automatically to women civil servants on their request in order to care for a child below the age of 5 or with a disability requiring constant care. This leave may not exceed two years but can be taken again whenever the conditions required to obtain it are met. If a woman civil servant is the head of a family she continues to receive family allowances as provided for by the regulations in force.

162. Article 60 of the Statute adds that the leave may also be granted, at her request, to a woman civil servant to follow her husband should he be required by reason of his employment to establish his habitual residence in a place distant from that in which his wife works. In that case the total amount of leave, which is also granted for a renewable period of 2 years, may not exceed 10 years.

163. In these circumstances, the Administration may not refuse the leave to a woman who meets the prescribed conditions and requests it. On the other hand, leave requested by a civil servant in the case of accident or serious illness of a spouse or child (article 58, paragraph 1 of the General Statute) may be refused for service-related reasons.

164. Apart from maternity and sick leave, which are determined by law, and annual statutory leave, women civil servants have only two options: permanent full-time service (active or detached) or special leave.

165. Pursuant to article 7, paragraph 2 of the Dahir of 12 May 1950 reforming the Moroccan civil pension system, the minimum retirement age for women civil servants may be lowered by one year for each child.

166. Similarly, it provides eligibility to receive immediate civil pension benefits if "the beneficiaries are mothers of three children living or deceased by an act of war, or whenever warranted ... in the event they or their spouse are incurably ill or permanently disabled, making it impossible for them to carry out their duties" (article 15, paragraph 1).

167. These provisions were not carried over into the Act of 10 December 1971 establishing the civil pension system. Under that Act, women were no longer eligible for a reduced retirement age. Equal treatment for both sexes was introduced, and they became liable to equal deductions from their salary and other compensation in order to qualify for retirement benefits.

168. The law currently allows women civil servants to take early retirement after fifteen instead of twenty-one years of service (the Dahir of 9 November 1992), thereby adapting the legislation to women's specific conditions.

169. Articles 7 and 8 of the Convention concerning politics and public life include nationality. The Moroccan Nationality Code adopted the legal concept of the couple as it is envisioned in the Moudouana. In that context, the role of the mother is secondary. A child born of a Moroccan mother and of an unknown father is considered Moroccan (art. 6, para. 2 of Moroccan Nationality Code). Likewise, a child born in Morocco of a Moroccan mother and of a stateless father is considered Moroccan (art. 7, para. 1). Attribution of Moroccan nationality through the mother is exceptional. Similarly, a child born in Morocco of a Moroccan mother and of an alien father may acquire Moroccan nationality. He must maintain habitual residence in Morocco and must make a declaration within two years before coming of age to the effect that he wishes to acquire Moroccan nationality.

1.3 Economic and Social Rights

170. Pursuant to article 13 of the Constitution of the Kingdom of Morocco, all citizens have an equal right to education and employment.

171. At the international level, Morocco is bound by the International Covenant on Economic, Social and Cultural Rights and by the following Conventions of the International Labour Organization (ILO):

No. 4: Night work (women) adopted by the General Conference of the International Labour Organization (First Session, Washington, 28 November 1919, as amended by the Convention of 1946 revising the final articles. Ratified by Morocco on 13 June 1956.

No. 19: Equal Treatment (Workmen's Compensation for Accidents).

No. 41: Night Work (women), revised. Ratified by Morocco on 20 May 1957.

No. 45: Underground Work (women). Ratified by Morocco on 20 September 1956.

No. 100: Equal Remuneration.

No. 111: Discrimination (Employment and Occupation).

No. 89: Night Work (Women and Children Employed in Industry), revised.

No. 103: Maternity Protection (revised).

No. 156: Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

172. A list of the conventions which do not specifically concern women is annexed to the present document.* With respect to labour laws, even though positive law prohibits employment of minors, violations of the law persist in rug-weaving workshops and factories. Legal obstacles exist. The law does not confer upon labour inspectors the authority required to ensure adherence to and application of the law and the protection of wage-earners. Female wage-earners are typically more exposed to violations.

173. The procedure of issuing procès-verbaux does not present a deterrent to the employer. Legal procedure is slow and fines are low. Punishment rarely extends to closing down a business.

174. On the technical level, labour inspection is riddled with inadequacies: quality of training, overloading, insufficient manpower, lack of equipment and means, etc.

175. This was confirmed by a recent study undertaken by the International programme for the Improvement of Working Conditions and Environment (PIACT). However, a preliminary draft reform of the Labour Code provides for higher fines, particularly for repeat offenders (art. 357). Article 362 is aimed specifically at the employment of women and children. It provides for public announcement and posting of judgment in cases of recurring violations.

176. On the internal level, the provisions afford protection to female wage-earners with respect to health and morality, working hours and maternity. Legislators have prohibited dangerous and immoral work for women and have mandated that employers provide proper accommodation for women in the workplace.

177. With respect to dangerous work, current legislation bans the employment of women in certain jobs that are considered dangerous. Accordingly, the Dahir of 2 July 1947 governing labour regulations, in its article 36, provides that the following shall be determined by orders:

(a) The various categories of work involving danger or requiring excessive effort ... which shall be prohibited to women,

(b) The special conditions under which these various categories of workers may be employed in insanitary or hazardous workplaces where they are exposed to work which is detrimental to their health. Article 22 of the Dahir of 2 July 1947 bans the employment of women in underground work in mines and quarries.

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* Annexes are not included in the present report.

178. In addition, a Vizierial Order of 30 September 1950 concerns the loads which may be carried, dragged or pushed by women employees in industrial or business enterprises. Pursuant to the order, women of all ages are not allowed to carry, drag or push, inside or outside the workplace, loads with weights exceeding established norms. Article 1 of the order determines the weight for girls or women. It also contains guidelines concerning the transport of loads involving the use of wheelbarrows, three-wheeled vehicles of the "cart, pushcart, handtruck" variety, etc., two-wheeled wheelbarrows with handlebars of various types and transport on three-wheeled carriers. Permissible weights for loads transported by wheelbarrow or any other means of transportation may weigh from 40 to 100 kg but shall in no event exceed 130 kg inclusive of the weight of the transporting vehicle.

179. On the other hand, transporting loads by tricycle or bicycle carriers is prohibited to women of all ages, as well as transporting by any kind of handtruck, or by means of small railcars.

180. In order to further safeguard women, pursuant to article 2 of the Decree of 4 July 1957, it is likewise prohibited to employ women of any age to work in freezers.

181. A Decree of 6 September 1957 determined the types of activities prohibited to women. Thus, women may not be employed as mechanics in work involving oiling, cleaning, inspecting or repairing of running engines or machinery (art. 1), or on premises where the dangerous parts of hand-operated or engine-run machines are not protected with gear-guards, hand-guards and other protective devices (art. 2). The Decree prohibits employing women to work on hand-operated wool-combing machines in the vegetal fiber industry (art. 4). It also prohibits women under 16 years of age from working at pedal-operated sewing machines (art. 10).

182. Article 13 of the same Decree determines that in enterprises engaging in any type of work listed under Table A (annexed to the decree) women shall be denied access to the premises where such activities are carried out. Women are authorized to work in the premises listed under Table C (annexed to decree), but only under the conditions specified therein. Lastly, article 17 of the legislative Decree of 24 April 1973, which establishes employment conditions and wages for farm workers, incorporates the provisions of article 9 of the Dahir of 9 April 1958. It provides that the categories of difficult work prohibited to women shall be determined by order at a later date.

183. With respect to work of an immoral nature, article 13 of the Vizierial Order of 5 May 1937 concerning establishments selling drinks, snacks and "mahia" prohibits their operators from employing women or girls in such businesses without authorization.

184. Any retailer who proposes to hire female employees shall submit a special request to that effect, together with a certificate of good conduct and an extract of the individual's police record. If necessary, the authorization shall bear the names of the women or girls permitted to work in the establishment.

185. These stipulations do not concern operators' mothers, spouses, daughters, sisters, aunts, nieces or individuals related by marriage in the same degree. Prior to any change in female personnel application for a new authorization shall be submitted in the form indicated above.

186. Any operator who fails to comply with the procedure of prior authorization shall be liable to criminal penalties.

187. In addition, article 36 of the Dahir of 2 July 1947 stipulated that ministerial orders were to define the various types of morally hazardous work from which women (and children under 16 years of age) were to be excluded. With a view to further preserving morality, the Dahir of 6 September 1957 prohibits employing women (or children under 16 years of age) in the manufacture, storage, and sale of writings, printed matter, posters, drawings, engravings, paintings, emblems, pictures or any other object the sale, offer, exhibition, posting or distribution of which is punishable under criminal law as being contrary to good morality (art. 11, para. 1).

188. The same Dahir bans the employment of women under 21 years of age (and children under 16 years of age) in premises where morally objectionable writings, printed matter, posters, drawings, engravings, paintings, emblems, pictures or any other objects are manufactured, stored or sold, even though such objects are not subject to criminal law (art. 2, para. 2).

189. In enterprises employing both male and female personnel the sanitary and locker room installations must be separate. Heads of enterprises are responsible for the maintenance of morality and public decency (art. 35 of the Dahir of 2 July 1947).

190. In addition, the premises of enterprises in which merchandise and various goods are offered to the public by female staff must be provided with a number of seats equal to the number of women employed there (art. 37 of the Dahir of 2 July 1947).

191. Article 10 of Vizierial Order of 4 November 1952 further provides that in enterprises other than those covered under article 37 of the Dahir of 2 July 1947, each worker shall be provided with an appropriate seat at her work station whenever the kind of work engaged in is not compatible with a continuous or intermittent seated position.

192. In all other cases, workers and employees shall be provided with a sufficient number of seats or benches close to their work stations. Internal regulations will determine the hours during which the seats or benches may be used and under what conditions.

193. In addition, article 21 of the Dahir of 2 July 1974 provides that a special nursing room shall be provided in or near any establishment employing more than 50 women over 15 years of age. The Dahir of 30 June 1962 specifies that the conditions concerning the installation, the hygiene and supervision in the nursing rooms and the care of children in those facilities may be determined by order of the Minister Delegate of Labour after consultation with the Minister

of Public Health. These conditions have been established in an Order of 14 July 1962.

194. Legislators are also providing protection to salaried women through the introduction of texts concerning working hours. Women's working hours are regulated for enterprises not yet complying with the Dahir of 18 June 1936. As an interim measure, article 71 of the Dahir of 2 July 1947 provides that the provisions of the subsequent articles shall apply to those enterprises which are designated under Chapter One of the First Title of the same Dahir as long as the criteria of the Dahir of 18 June 1936 concerning the regulation of working hours have not been extended to include those establishments.

195. Actual working hours for women (and children under 16 years of age) may not exceed ten hours daily, during which one or several rest breaks of not less than one hour must be observed, during which work is prohibited. These breaks must be arranged in such a way as to ensure that the employees covered may not engage in actual work for more than six consecutive hours without a break of at least half an hour. Where actual daily work does not exceed seven hours, women may work throughout without a break (art. 72 of the Dahir of 2 July 1947). Pursuant to article 73 of the same the Dahir, employers are strictly prohibited from having women work on relay shifts. Temporary relief from this requirement may be granted (art. 73 of the same the Dahir).

196. Under the terms of article 75 of the Dahir of 2 July 1947, employers required to comply with the provisions of articles 71 and 73 must post a time-table indicating the beginning and ending of women's (and children's) working periods, outside of which the personnel thus protected may not work. This time-table must also indicate the rest periods. Any change in the distribution of working hours must be duly ratified and a copy submitted to the labour inspector. Where workers are organized into teams, a list by name of the women (and children under 16 years of age) of each team must be clearly and accessibly posted on a board within the premises. The use of removable name labels is prohibited.

197. Pursuant to Article 12 of the same the Dahir of 2 July 1947, women may not engage in any night-work in enterprises or with employers indicated under article 1 of the the Dahir. By night-work is meant any work performed between the hours of 10:00 p.m. and 5:00 a.m. (art. 13). It may be possible for the employer to derogate from the rule prohibiting night-work for women (and children) in order to compensate for a lost day of work due to some accidental occurrence or emergency not of a recurrent nature (art. 16), upon prior notification to the labour inspector.

198. However, this option to compensate for loss of working time may not be used in excess of fifteen nights a year, or without the prior authorization of the labour inspector. The provisions of article 12 may also be waived in cases where emergency repair work is to be done to prevent imminent accidents, in emergencies, or to make repairs to the equipment, the plant or the building after an accident. Under such circumstances women may work at night for one day and the manager has the responsibility to promptly notify the labour inspectorate to that effect.

199. Article 15 further provides derogations to the provisions of Article 12, of a permanent or temporary nature, for certain categories of enterprises.

200. The Vizierial Order of 8 March 1948 determines the circumstances under which the prohibition of night work is waived. In fact, certain industrial or commercial enterprises are authorized to derogate from the provisions of article 12 of the Dahir of 2 July 1947 governing labour regulations with respect to night work for women. Such a waiver may be of a temporary nature. In that case, enterprises may avail themselves of its use from 1 January to 31 December of the same year for a number of days not higher than the number indicated, which varies according to the enterprise (maximum of 60 days for industrial butter-processing dairies, 90 days for fruit and vegetable processing plants). However, these categories of personnel may not be employed in excess of eight hours per 24 hours, except in canning factories where they may not work in excess of 10 hours. Some enterprises may also be entitled to permanent derogations (art. 2 of the order): (a) telecommunications auditoriums, (b) bars, beer halls, railway station buffets, cafés, cafeterias, snack-bars, child-care centres, clubs, ice-cream, sherbet and refreshment stands, hotels, dining-rooms, furnished rooms, pensions, restaurants, grills, tea salons, (c) tobacco shops, (d) casinos, cinemas, concert halls, dance halls and other entertainment establishments. However, work hours may not exceed 8 hours for establishments covered in paragraphs (a) and (c) and 10 hours for those covered in paragraph (d).

201. In the establishments covered in paragraph (b), the time spent on the premises by personnel may not exceed 12 hours for a 24-hour period. Operators who make use of derogations to the provisions governing night work for women (and children under 16 years of age) must post this fact clearly and accessibly on a board within the establishment. This announcement, which must be posted until 1 March of the following year, will enable labour inspectors to verify that the requirements of the law have been fulfilled. The derogation must also be recorded on the women's work cards (art. 3, para. 2).

202. Furthermore, article 14 of the legislative Decree of 24 April 1973, which incorporated the provisions contained in article 10 of the Dahir of 9 April 1957 governing the employment and wages of farm workers, reads as follows: "Women may not engage in night work. However, the agricultural social law inspector may grant relief from this rule. Night work begins two hours after sundown and ends two hours before sunrise". The translation of this text into Arabic presents difficulties.

203. A final area of protection should be mentioned: that contained in the laws governing maternity leave and rest periods for wage-earning women. Apart from the leaves and rest periods available to wage-earning employees of both sexes, and pursuant to the provisions of article 18 of the Dahir of 2 July 1947, stoppage of work on the part of women for a period of 12 consecutive weeks before and after delivery may not constitute a cause for dismissal or breach of contract on the part of their employer. Should the latter breach the contract, however, he will then be liable to penalties as provided under article 59 of the same Dahir, as well as for payment of damages to the woman, provided that she had notified her employer of the cause of absence. In the event that the woman's leave should extend beyond the time indicated in the preceding

paragraph, but not to exceed 15 weeks, her employer shall not dismiss her during that absence. Any agreement contradicting this rule shall be considered null and void. Article 9, paragraph 1 of the Dahir of 2 July 1947 further states that visibly pregnant women shall be allowed to leave work without notice and shall therefore not have to pay a fine for breach of contract. Paragraph 2 of the article stipulates that it is prohibited to employ women during the six weeks following their delivery.

204. Moreover, pursuant to the provisions of article 15 of the legislative Decree of 24 April 1973 which defines the conditions of employment and wages for farm workers and incorporates the provisions of article 2 of the Dahir of 9 April 1958, stoppage of work on the part of women for a period of 15 consecutive weeks before and after delivery shall not constitute a cause for breach of contract on the part of their employer.

205. It should be pointed out that under the old social security system (the Dahir of 31 December 1959), a daily allowance was paid to women in labour during 10 weeks, covering the pre- and post-partum periods. The allowance consisted of half the daily wages, with a ceiling of 500 dirhams (DH) per month being set for such wages, or a maximum of 250 DH.

206. Following the reform instituted by the Dahir of 27 July 1972 concerning social security, in order to receive daily maternity allowances, the insured must show proof of participation for 54 days, consecutive or not, during the 10 months of registration preceding the cessation of work owing to impending delivery.

207. Women receive allowances for 10 weeks, with a minimum of five payments after the date of delivery, provided that they cease to engage in paid work during the period covered by the allowances and are domiciled in Morocco (art. 37).

208. Allowances equal half the daily wages earned by the woman in the three months preceding the date on which she stopped working. She must present a birth certificate for the child and claim her allowances on a form provided by the Fund.

209. Although the wage ceiling is set at 3,000 DH, it should be remembered that not all wage-earning women are covered by social security.

210. At the conclusion of maternity leave the employer must take the woman back. He may use her pregnancy to offer her a different job, but he may not dismiss her. In the event the employer should refuse to rehire the woman, he shall be liable to civil and criminal procedures and shall, in fact, pay an indemnity for sudden breach of contract, the compensatory indemnity, unused vacation, and possibly also an indemnity for dismissal if the woman has more than one year's seniority. He is also liable to emprisonment and a fine of 5,000 DH.

211. If the woman should not return to work at the conclusion of the extension, the contract may not be breached unconditionally. The employer is at liberty to dismiss the employee. He must, however, give notice as provided by law. He may, of course, also choose to rehire the woman.

212. After maternity leave, women who have returned to work are entitled to one hour to nurse their children. Article 20 of the Dahir of 2 July 1947 specifies that women employed in the establishments listed under article 1 of the same the Dahir are entitled for one year from the date of birth to two half hour rest periods daily during working hours to nurse their children: half an hour in the morning and half an hour in the afternoon. That hour is independent of the rest periods provided by labour regulations applicable to the establishment in which the women are employed. In the course of these two half-hour periods, women are at liberty to nurse their children, whether at a special nursing room within the workplace or elsewhere.

213. The legislative Dahir of 24 April 1973 governing employment conditions and wages for farm workers, likewise provides (art. 15, para. 3) that women shall be entitled for one year from the date of birth to two half hour rest periods daily during working hours to nurse their children, without being subject to wage reductions for these interruptions in their work.

214. Lastly, wage-earning women are entitled to remuneration. The legislative Dahir of 30 August 1975 amended article 1 of the Dahir of 18 June 1956 regarding the minimum wages of labourers and employees, which provided in particular that wages may not go below the rates established by decree, in accordance with a worker's age and sex. The new text of article 1 of that Dahir has been edited to omit the word "sex". It was likewise necessary to revoke article 4 of the Order of 24 April 1973, implementing the legislative Dahir of the same date governing the employment conditions and remuneration of paid farm workers. From the time of the Order of 4 September 1975 there has been no sex discrimination in the agricultural sector.

215. In addition, minimum hourly wages are regularly upgraded. The latest revision goes back to 1992. In addition to the legislative Dahir of 2 July 1947 establishing labour regulations, several texts aiming to guarantee the right to work and to promote its full application were promulgated, in particular by a Dahir concerning the establishment of employment agencies, which defines job placement as a State prerogative and stresses its gratuitous nature, by Royal Decree of 14 August 1967 regarding the continued operation of industrial and commercial enterprises, which prohibits certain enterprises from closing or dismissing employees, except by special permission of the relevant authority, and by the Dahir of 6 May 1982, which establishes retirement ages and mandates that employers replace their retired personnel by new workers.

216. The right to strike is guaranteed under the Moroccan Constitution, which provides in its article 14 that "the right to strike remains guaranteed. The conditions and modes in which this right may be exercised shall be stipulated by organic law". As is the case in many countries, in practice this right is subject to restrictions affecting certain categories of public employees, such as the police and other public officials, because of the special characteristics of their functions.

217. With respect to labour unions, pursuant to its article 9, the Moroccan Constitution guarantees the right of all its citizens to organize into labour unions.

218. A draft Labour Code which aims to develop Moroccan labour legislation and bring it up to date with the socioeconomic developments in the country, has been submitted to the Chamber of Representatives. The preparation of this draft Labour Code has been carried out with the participation of the departments concerned, professional organizations, employees and workers, and the International Labour Organization. All the parties involved have submitted their comments.

219. In its main lines, the draft proposes, inter alia, to strengthen the authority of inspectors, to expand communication among the partners in production within the enterprise, and to organize industrial training within the enterprise. Provisions covering labour contracts, collective bargaining, working conditions, compensation, labour unions and employee representation within the enterprise are also proposed.

1.4 Cultural Rights

220. Successive Moroccan constitutions have recognized the right of girls as well as boys to education. Article 13 of the Constitution of 10 March 1972, as amended in 1992, stipulates that "all citizens have an equal right to education ...". In addition, the Dahir of 13 November 1963 proclaimed expressly the mandatory nature of education. In its article 8, it links its enforcement to the publication of orders which have not appeared. It must be added that the Dahir provided for light penalties and did not give any special protection to the female sex.

221. Morocco is a party to the Convention against Discrimination in Education (30 August 1968). Morocco at that time also became a party to the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Party to the Convention against Discrimination in Education.

222. In its first chapter, the Moroccan Constitution states the fundamental principles of individual and collective rights. Article 9 guarantees, inter alia, the freedom to establish associations and to join organizations. The exercise of these rights can be restricted only by law.

223. Furthermore, in becoming a member of the United Nations Educational, Scientific and Cultural Organization (UNESCO), a party to the International Agreement on Economic, Social and Cultural Rights of 3 May 1979, and a signatory of the African Cultural Charter of 24 October 1979, Morocco made a commitment to promote culture, to fight illiteracy and to guarantee cultural freedoms and rights.

224. Morocco is also a party to several international conventions aimed at promoting culture:

- The UNESCO Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character adopted at Beirut on 10 December 1949 (date of accession: 3 October 1963);

- The UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials, adopted at Florence on 17 June 1950 (date of accession: 3 October 1963);

- The UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, adopted on 16 November 1972 (date of ratification: 30 August 1968);

- The Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague in May 1954 (date of accession: 30 August 1968);

- The Customs Convention concerning facilities for the importation of goods for display or use at exhibitions, fairs, meetings or similar events.

225. Considering the role played by culture in achieving individual and social fulfillment, regardless of sex, a National Cultural Action Fund was created on 1 january 1983 in order to revitalize cultural life (Dahir No. 1.82.332 of 31 December 1982). The Fund's purpose is to finance the restoration of historical monuments, to purchase art objects, to participate in cultural events organized in Morocco and abroad where expenditures are not borne by the budget of the Ministry for Cultural Affairs, the production or purchase of films with a cultural character, and the granting of prizes to individuals contributing to cultural activity.

226. Moreover, as soon as Morocco became independent, the Moroccan authorities proceeded to establish an institutional framework enabling everyone to participate in cultural life. The Ministry of Culture, working together with communities, established modern cultural centres throughout the country. These centres foster the full development of everyone's cultural and artistic life. As an example, since independence more than 150 public libraries were created throughout the country in addition to specialized university libraries and private libraries.

227. The internal legislation intended to protect both moral and material interests in scientific, literary or artistic productions, is based on the Dahir of 7 October 1932 covering copyright procedures which guarantee intellectual property rights to the works registered thereunder, and the Dahir of 29 July 1970 concerning the protection of literary and artistic works.

228. Parallel to its internal jurisdiction, Morocco has become a party to several international conventions covering copyright, such as the Convention creating the World Intellectual Property Organization (WIPO), the Bern Convention for the Protection of Literary and Artistic Works, as amended at Stockholm, and the Universal Copyright Convention, as amended in Paris.

229. Morocco is unsparing in its efforts to encourage researchers, authors and intellectuals generally. The Ministry of Culture published a circular designed to assist authors and to enable publishers to acquire a large number of literary and scientific works published in Morocco. The creation in 1974 of a book prize, the Grand Prix du Livre, as well as the creation in 1977 of the Academy

of the Kingdom to encourage research workers of both sexes, are outstanding examples of that policy.

2. Evolution of programmes and institutions

2.1 Institutions

2.1.1 The Advisory Council for Human Rights

230. Founded on 8 May 1990, the Council's role is to advise the Head of State on all matters pertaining to human rights. It played an important role in introducing some legislative reforms. It reviewed draft legislation concerning fundamental rights. It is also called upon to review other legislation (the Labour Code, Information Code, etc.).

2.1.2 The National Council for Youth and the Future

231. Founded in 1990, this advisory body has strongly affected the Moroccan institutional and democratic landscape by the diversity of its composition, its innovative approaches, and the forward-looking and multidimensional nature of its overall activities. In the areas of economic, social and cultural rights, it focuses on urban and rural girls.

2.2 National Strategy for the Advancement of Moroccan Women to the Year 2000

232. This strategy was developed in 1987 by representatives from Ministries, women's associations and researchers. It is annexed to the present document.

2.3 Political, economic, social and cultural status

2.3.1 Women and Politics

(a) Communal Elections

233. Within the framework of the communal elections held on 29 May 1960, before the rights granted to women had been written into the Constitution of 14 December 1962, out of 17,174 candidates, 14 female candidates ran but none were elected. In the communal and municipal elections of 12 November 1976, 47 per cent of the electorate consisted of women. The seats to be filled totalled 13,358. Of 42,638 candidates, 76 female candidates were registered. A number of political parties presented candidates, among whom some were elected (e.g.: Istiqlal in Marrakech, Meknès and Mohammedia; Union Socialiste des forces populaires (Social Union of Popular Forces), at the municipal level.

234. 307 women were on the communal and municipal ballots of 10 June 1983 and 43 were successful. There are even some vice-chairmen.

235. The last municipal elections were held on 16 October 1992 throughout the country. Moroccan women showed particular interest in these elections as there were 1,086 candidates compared to only 76 in 1976 and 307 in 1983. This progress attests to the increasingly active role of women in the country's

political, economic and social life. The following is a breakdown by political party of the women elected:

- Rassemblement national des indépendants	17
- Union constitutionnelle	16
- Parti de l'Istiqlal	11
- Mouvement populaire	7
- Mouvement national populaire	4
- Parti national démocratique	5
- Union socialiste des forces populaires	17
- Parti du Progrès et du socialisme	2
- Without political affiliation	8
Total	87 women (for 22,237 seats)

(b) Legislative Elections

236. When the legislative elections were held on 17 May 1963, an insignificant number of women were among the 690 candidates. All 414 seats were won by men; the same occurred at the 28 August 1970 elections for 90 seats.

237. In the legislative elections of 3 June 1977, once again, only men were elected. Out of 908 candidates, 8 were women. And yet, women represented 48.53 per cent of the electorate.

238. In the legislative elections of 14 September 1984, out of a total of 1366 candidates, 16 women ran but none were elected.

239. In other respects, 25 June 1984 represented a decisive step for Morocco in the consolidation of democracy, with legislative elections being held to elect two-thirds of the members of the Chamber of Representatives, or 222 deputies, by direct universal vote.

240. Male candidates in these elections totalled 2,042 compared to 1,333 in 1984. 36 women ran in the elections, out of a total of 2,078 candidates.

241. For the first time in the history of Morocco, two women were elected and are currently seated in Parliament. One of these women heads a parliamentary committee.

242. Morocco completed its electoral process by electing one-third of the members of Parliament, or 111 members, by indirect vote, on 17 September 1993. Within the framework of the communal council colleges, the pro-"Union" parties presented 98 candidates. Of these, the Constitutional Union and the Popular Movement each presented one woman.

243. The "Unity" parties presented 102 candidates, including one woman from the Party for Progress and Socialism (PPS). With respect to the Chambers of Commerce and Industry, the number of lists registered in the name of that college amounted to 14, comprising 140 candidates, among them one female candidate without political affiliation.

244. A breakdown by political affiliation of the candidates to the Chambers of Trades yielded one candidate for the National Independents Assembly and one without political affiliation.

245. Representing wage-earners, there are one female candidate (Moroccan Labour Union), two male candidates (General Union of Moroccan Workers) and one female candidate on the consolidated list of trade unionists affiliated with the PPS.

(c) Women's Access to Public Office

246. To date, Morocco has accomplished a great deal in the area of the advancement of women as women are now able to accede to any public office. This is the result of women's more active involvement in areas hitherto mostly occupied by men, thanks to H.M. the King.

247. Women's growing access to public office is a phenomenon which has arisen during the past 30 years. Immediately after independence, most national public servants occupying junior posts in the administration were men. Later, the participation of women in public office grew from 16.6 per cent in 1979 to 28.5 per cent in 1986.

248. The number of women heading departments or divisions remains low. The recent accession of women to public office and their equally low level of recruitment are unfavourable factors. Furthermore, the promotion of recently hired civil servants, regardless of sex, is hampered by the age structure of the public service.

249. According to a survey carried out in July 1979 by the Ministry for Administrative Affairs, there were only two principal administrators who were women, and no women at the director level or its equivalent. At the level of State technician, although eight out of a total of 263 State engineers in the central services were women and in the field services three out of a total of 211 were women, none were chief engineers.

250. According to information received from the Public Service Directorate, the situation had changed in 1986, but no actual numbers were available. In some departments, women are indeed occupying positions of leadership (at a relatively low rate) as heads of section or division chiefs or as senior civil servants.

251. Still according to the 1979 survey (similar data being unavailable for 1986), women employed in positions lower than grade 5 represented 53.7 per cent in the central services as compared to men in the same category, and 24.9 per cent of the total for both sexes. Ratios for grades 5 to 8 were 36.6 per cent compared to men and 26.8 per cent of the total of both sexes. Women in grades 10, 11 and senior positions showed a ratio of 9.6 per cent compared to men and 8.8 per cent of the total of both sexes.

252. In field services, women employed in grades 1, 2 and 4 represent 28.9 per cent compared to men and 22.4 per cent of the total of both sexes. Women in grades 5 to 8 represent 15.5 per cent compared to men and 13.4 per cent of the total of both sexes. Grades 10, 11 and senior positions show a ratio of

6.6 per cent compared to men and 5.6 per cent of the total of both sexes. These data clearly show a concentration of women in junior and mid-level positions.

253. Actual data obtained from the Ministry of Finance (DOTI) for 1986 show that women civil servants represent 27.4 per cent compared to men. Women interns represent 32.8 per cent compared to men. Of the total temporary and permanent staff, women represent 31.3 per cent for temporary staff and 34.4 per cent for permanent staff. This means that regardless of their administrative positions, women civil servants represent less than one-third as compared to men.

254. In 1986 unmarried female civil servants represented 37.8 per cent compared to unmarried males while the ratio for those married was 20.5 per cent compared to men. Among divorced or widowed civil servants, women constituted the larger proportion since 81.4 per cent were widows and 71 per cent were divorced.

255. The median age of female civil servants is 30 years and that of men is 35.

256. The breakdown into 10-year age groups indicates that the number of women civil servants over 40 years of age is much lower than that of men in the same age group. That may be due to the fact that women often leave their employment at that age in order to manage their households. Ratios for women over 40 years who are still active in public office are about 13 per cent while that for men over 40 years are 29 per cent.

257. With respect to tenure, women with more than 20 years seniority represent 8.3 per cent compared to 16.5 per cent for men in the same bracket. More than 72 per cent had less than 10 years seniority and slightly less than 50 per cent had less than six years. The median tenure for women is eight years compared to 9 1/2 years for men. Conditions of recruitment and implementation of the statutes are the same for both sexes. There is, however, a difference in the mean income of men and women in public service. This confirms the fact that women are mostly employed in middle and lower-level positions while men occupy higher positions with higher salaries.

258. To illustrate the foregoing, and based on some recent figures available, the Ministry of Public Works, Vocational and Administrative Training employed 2,451 women in 1994, or 19 per cent of its total number of public employees, which is 13,007. In the Ministry's central departments, the percentage of women is 31 per cent.

259. 14 managerial positions have been given to women: 3 division chiefs and 11 section heads.

260. Female civil servants in that department have the benefit of special ongoing training programmes, training sessions in Morocco and study grants abroad, without discrimination between the sexes.

261. The role of women in education has likewise grown considerably. In 1992/93, 40 per cent of primary school teachers were women. The rate for secondary schools is 32 per cent and for higher education, 22 per cent.

2.3.2 Social and economic status of women

262. One of the principal elements of social and economic development is the inclusion of women in national development plans, in which they are given special status. Indeed, the overall development of any society depends on the tapping of all its human energies, without discrimination, and women represent one half of society.

263. With this in mind, the Ministry of Labour and Social Affairs has prepared several programmes for women aimed at eradicating illiteracy, providing training, and raising awareness and disseminating information concerning the status of women.

264. Pursuant to article 2 of the Convention on the Elimination of all Forms of Discrimination against Women, the Ministry also strives to improve women's economic and social conditions.

265. Therefore, in order to achieve a broader participation of women in economic and social life, the National Committee for Women established by the Ministry of Labour and Social Affairs implemented a national strategy for the promotion of women, which will be in effect until the year 2000. The strategy concentrates on several objectives which may be summarized in three points:

(a) Revising women's legal status;

(b) Improving training and level of education;

(c) Limiting the obstacles encountered by women entering politics.

266. As a result of efforts made in the area of women's employment, the active population of women has now attained 3.4 million compared to 1.17 million ten years ago.

267. It should be pointed out, however, that despite these efforts, Moroccan women continue to be plagued by some problems, such as a high rate of illiteracy (particularly in the rural areas), the rarity of managerial positions held by women in the public service and a generally limited participation in economic and social activities.

268. In the realm of agriculture, it should be noted that the transition from subsistence farming to growing cash crops has benefitted rural women. With access to public services, rural women have been able to get loans, subsidies, high-yield seeds, fertilizer, etc., all of which has had a tremendous impact on their productive capacity.

269. Nevertheless, while the number of women availing themselves of official support services has grown enormously, it remains lower than the number of men.

270. In order to remedy this deficiency, the Ministry of Agriculture has created a National Office for the Promotion of Rural Women, as well as framework units established throughout the country. The main role of these units is to provide

rural women with expert advice, to guide them towards more lucrative activities and to introduce them to public support services.

271. The assistance provided by these mechanisms has promoted the development of farming cooperatives increasingly engaged in aviculture, cattle-raising and crafts. These tax-exempt cooperatives receive broad support from the State through the granting of subsidies which amount to from 20 to 35 per cent of the overall investment cost.

272. Population censuses have hitherto yielded a fairly restricted view of women's activities, particularly in rural areas. This is due to the fact that national statistics do not include a very broad range of informal work performed by women, such as household work, handiwork and work on family farms.

273. The progression of female activity rates can be observed from the 1960 census onwards, through the more recent surveys conducted in 1986 (urban environment) and in 1986-1987 (rural environment). Crude figures for the years of active life between 15 and 59 years, for which the theoretical maximum is 45 years, have risen steadily. For women living in cities, it went from 5.6 years to 9.9 years. In rural areas, the values were rather low at the time of the censuses: 3.3 years in 1960, 5.2 years in 1971 and 6.1 years in 1982. The survey of 1986-1987, however, revealed the true contribution of rural women to economic activity: the crude number of years of active life is 26.1 and the rates of activity exceed 50 per cent between 15 and 60 years.

274. Women today represent a considerable potential for economic growth. In 1986, 26 per cent of the active urban population and 43 per cent of the active rural population were women. Overall, in Morocco women represent 35 per cent of the active population; for every two active men, there is one active woman.

275. This activity of women, which is becoming increasingly apparent, is nevertheless paralleled by significant unemployment and under-employment. By under-employment is meant a condition in which individuals are working less than 32 hours (in urban environments) and less than 40 hours (in rural areas), for reasons independent of their will, while they would be willing to work more or are seeking additional employment.

276. In urban environments, female unemployment mostly affects young women: one woman out of three aged 15 to 24 years is unemployed, and those holding low-level or intermediate degrees experience a particularly high rate of unemployment.

277. According to official statistics, which, however, do not include informal work performed by women, the ratio of active women is one out of two.

278. Women are present in all sectors of economic activity, in urban as well as in rural areas. In urban areas half the active women work in the industrial sector in a broad sense, mainly in the textile industry. The second most important sector in which women work is that of personal and domestic service. In rural areas, active women are mostly engaged in farming and husbandry, where 84 per cent of the active women are employed. Almost all other active women are employed in cottage industries (crafts).

279. In terms of occupations, and at the rate of one active woman out of two, women in urban areas are employed as labourers or manual workers. In rural areas, three women out of four are farm workers, but there is also a significant number of women engaged in agricultural production or as heads of farms.

280. Contrary to expectations, the majority of women who work in the industrial sector in urban areas are not wage-earners (36 per cent) but work at home (54 per cent). However, overall, two women out of three are wage-earners. In rural areas the great majority are family helpers, in agriculture (88 per cent) as well as in industry (77 per cent).

281. Female employment varies according to economic region. In the center, it is concentrated in urban areas and in the northeast in rural areas. The lowest rate of female participation, both for urban and rural areas, occurs in the east. Unemployment and under-employment mainly affect urban women in the south and rural women in the south and the Tensift.

282. In 1991, women represented 26 per cent of the active urban population. In addition, women are nowadays occupying positions in the armed forces, in the police, in the judiciary, as modern notaries, etc.

283. Measures have been taken to encourage institutions to create internships for job applicants holding degrees who are entering the work force, in order to combat unemployment in that category (the Dahir of 23 March 1993 and Decree of 5 April 1993).

284. A draft bill for the implementation of a fund to promote employment of the young will shortly be submitted in Parliament.

Table 1. Active Female Population Structure by educational level compared to male averages

Level	1985	1991	Difference	
	Percentage			
			1985	1991
Preschool	58.2	50.8	197	217
Primary	17.3	18.1	72	70
Secondary	20.9	25.8	64	71
Higher	2.7	4.9	38	50
Other	0.9	0.4	-	-
	100	100		

/...

Table 2. Developments in the structure of female activity in the service sectors

	Structure		Female Rate	
	1985	1991	1985	1991
	Percentage		Percentage	
All Service Sectors	50.7	49.5	19.8	24.5
Commerce	4.9	6.5	6.8	8.5
Transport and communications	0.9	1.1	4.6	5.1
Services provided to the community	13.8	15.2	32.2	35.4
General administration	7.0	6.9	14.0	15.7
Personal and domestic service	20.8	15.5	55.4	52.3
Others	3.1	4.3	18.3	20.1

Table 3. Distribution of the active female population by environment (in thousands)

	1971	Percentage	1982	Percentage	1990/1991	Percentage
Urban	296	48.2	638	54.0	1 069	31.3
Rural	318	51.8	543	46.0	2 361	68.7

2.3.3 Women, Education and Culture

285. According to the official results of the 1982 census, 77.9 per cent of the female population aged 10 years and older were unable to read or write; the ratio was 56.1 per cent for women from 10 to 14 years, increasing steadily to 99 per cent for women 75 years and older. In urban areas, only 42.4 per cent of all women were able to read and write. 78.6 per cent of the 10 to 14 year olds were able to read and write, against only 2.4 per cent of the women 75 years and older. In rural areas, 95.6 per cent of the women were unable to read or write. In the 10 to 14 year group, the ratio was 82.8 per cent and it increased to 99.8 percent for the 75 years and older group.

286. In the Koranic schools, enrollment for girls went up from 116,114 in 1978/1979 to 208,341 in 1986/1987, a mean annual increase of 7.6 per cent over the period under consideration. The overall ratio for girls rose from 2.4 per cent in 1978/1979 to 29.3 per cent in 1986/1987, or a five-point increase.

287. Pre-school enrollment for girls showed a mean annual increase of 9.2 per cent between 1980/1981 and 1986/1987. While at the beginning of the period girls comprised more than half the total enrollment (51.2 per cent), their share

decreased somewhat towards the end of the period, but remained close to the population ratio for girls (47.3 per cent).

288. Enrollment in primary education totalled 854,868 in 1986/1987 compared to 555,589 in 1975/1976. The annual growth rate for that 11-year period was 4 per cent, or one half less than that for Koranic or pre-school enrollments. A comparison between private and public education shows that public education predominates, with more than 9 girls out of 10 attending public schools. However, the ratio for girls is higher in private schools: 42.9 per cent and 38.2 per cent, respectively, for private and public schools in 1986/1987. A breakdown by environments shows more girls enrolled in urban, as compared to rural, areas.

289. It should also be pointed out that the increase in primary school enrollments did not occur at a steady pace over the period under consideration. It remained higher than 6.7 per cent from 1978/1979 to 1982/1983, then slowed down by 1.1 per cent in 1983/1984 and even decreased in 1984/1985 and 1986/1987. For any year, level or environment, girls repeat classes at a lower rate than boys. The rate at which students repeat classes decreases from schoolyear to schoolyear.

290. While students are less likely to repeat a class as they advance in the schooling system, especially in grades one to four, despite this decrease, the rate of repeats in grade five nevertheless remains high. In 1985/1986, it represented 31.4 per cent for boys and 29 per cent for girls.

291. At secondary level, girls represented 38.6 per cent and 40.1 per cent, respectively, in 1982/1983 and 1986/1987. Their enrollment rose from 348 389 to 481 667, or a median annual increase of 8.4 per cent. For the same cycles and schoolyears, girls tend to be younger than boys, which shows that when they have the opportunity to reach secondary level, they are more successful students.

292. Taking public schools as a target for the 1987/1988 schoolyear resulted in the following figures for girls: at the primary level, pre-school, 28 per cent, primary, 38 per cent, but 28.7 per cent in rural areas; at the secondary level, 40 per cent in the first cycle and 38 per cent in the second cycle, with a gap between urban and rural areas; at the higher education level, 35 per cent. Unequal representation of the sexes remains a dominant feature. With respect to study orientation, while both sexes are equally represented in literature, in economics only 38 per cent of the students are female, 31 per cent in science, 9 per cent in technical and industrial sciences, and an insignificant number in agronomy: 0.2 per cent. On the other hand, in business studies, 68.5 per cent of the students are female compared to 31.5 per cent for males, while the figure reaches 100 per cent in secretarial studies.

293. Unlike the primary and secondary levels, in 1986/1987 women enrolled in the higher levels of education represented only 34.2 per cent of the total. Attendance rose from 3,069 to 50,359 between 1972/1973 and 1986/1987, or a mean annual increase of 22.1 per cent. In 1982, over a third of the women were enrolled in literature and humanities (38.5 per cent). Women were also attracted to the medical, experimental and economic sciences, with respective

enrollments of 29.2 per cent, 13.5 per cent and 20.8 per cent. Only 9.9 per cent of the total enrollment in engineering schools were women.

294. Moroccan universities have experienced a growing influx of young Moroccan women pursuing learning and knowledge for the purpose of contributing to the country's progress alongside young men.

295. As a result, the percentage of female students reached 39.76 per cent in 1993/1994, compared to 35.86 per cent in 1988/1989, and their number rose from 67,269 to 93,309 in the same period.

296. Because of this influx the number of female graduates increased in most branches of learning. There were 9,096 graduates in 1993 compared to 5,207 in 1989, representing 40.11 per cent and 36.48 per cent of all graduates.

297. This increase of female graduates has had positive effects on management and research. The number of teachers in all fields attained 1698 in 1993-1994, or 22.44 per cent of all teachers, as compared to 1300 in 1988/1989.

298. Likewise, the number of female administrators was 3,714 (1993/1994) as compared to 3,112 (1988/1989). This represents 39 per cent of all management personnel.

2.3.4 Women and Health

299. In Morocco, mothers are afforded special protection for a reasonable period of time before and after childbirth. During that period, they are entitled to paid leave for a duration of 12 to 15 weeks. They are also entitled to one hour off daily for nursing during one year (the Dahir of 12 July 1947 which constitutes the Labour Statute).

300. In the area of maternal and child protection, the Department for the Protection of Maternal Health of the Ministry of Health has established as its general objective, and as part of the reorganization which it initiated in 1987, the attainment of an acceptable rate of prenatal and natal care coverage, which it considers to be a decisive factor in the fight against maternal and perinatal mortality.

301. Development and reorganization activities have centered on installing, refurbishing and improving facilities and upgrading health training, acquiring medical equipment and purchasing reactive strips to detect the presence of sugar and albumen in the urine of pregnant women, for all the medical provinces.

302. Professional training, providing equipment for midwifery-nursing schools and preparing pregnancy and delivery guides are also an aspect of maternal protection. In recent years, with the help of the United Nations Population Fund, Morocco has been able to implement its programme to enhance maternal and child protection and family planning by providing mobile units and medical equipment to four medical provinces (Project MOR 87/P06).

303. All these actions had a number of positive effects, especially on the number of prenatal visits, which rose from 175 670 in 1988 to 261 877 in 1990.

This progress was much more significant in rural areas. The number of postnatal visits also increased.

304. However, in order to get better results in lowering maternal and perinatal morbidity and mortality rates, the relevant Moroccan authorities plan to expand maternal health activities to increase the scope of prenatal control by upgrading the competence of the staff and improving pregnancy monitoring records; to improve childbirth care by upgrading staff competence and improving facilities and by preparing analyses and conducting research in the area of risk-free motherhood.

305. Launched in December 1986 with the founding of the National Committee to Fight AIDS and the establishment of a core structure, the anti-AIDS programme is based on the following strategy:

(a) Information and awareness;

(b) Information, education and training of personnel;

(c) Involvement of all the departments and services concerned;

(d) Epidemiologic surveillance;

(e) The use of safe blood for transfusions; 100 per cent implemented since 1989;

(f) Coverage for all patients.

306. The current prevalence figures for AIDS in Morocco are low, thereby setting Morocco among the countries which are almost AIDS-free. At 31 January 1990, Morocco counted 100 HIV-infected cases, including 45 cases of AIDS, 8 cases of AIDS-associated syndromes and 47 asymptomatic infections.

307. Sexually-transmitted diseases are on the rise in the country. The programme is based on information, education, and monitoring and is aimed at reducing the prevalence of such diseases in Morocco.

308. In addition, international assistance plays a major role in the efforts made by Morocco to ensure that individuals shall exercise their right to enjoy the best possible health. Morocco works closely with friendly nations and specialized international organizations, particularly with the World Health Organization, the Food and Agriculture Organization of the United Nations, the International Atomic Energy Agency, the United Nations Children's Fund, the Agency for International Development and the United Nations Population Fund. These organizations and agencies are providing considerable technical assistance and greatly contribute to the promotion of programmes in the fight against epidemic and endemic diseases, which as a result have shown a marked decline in the past three decades.

3. Restrictions or limitations, even those of a temporary nature, imposed by law or practice or in any other manner on the enjoyment of each right

309. In the framework of the foregoing developments, restrictions of a legal nature or imposed de facto to bar women from the enjoyment of their rights have been brought to light.

310. It should be added that in a society in which the rate of illiteracy remains very high, especially among women, a society which is predominantly rural, where cultural resistance to the emancipation of women is strong and sociological pressures are powerful, it is impossible to achieve de jure and de facto equality between men and women in a short time, the more so as it probably does not exist anywhere. However, obstacles and opposition notwithstanding, a measured and realistic process has been initiated which works to achieve equality between men and women. Thanks to governmental action, the dynamism of civil society and the consolidation of the democratic process, this long march towards equality can only gather momentum. Recent reforms in the Family Code will be followed by other reforms in which women will undoubtedly participate more actively, and the situation of working women will assuredly improve. In addition, education and awareness campaigns have a deep influence on the evolution of mentalities.

311. Like many developing countries, the Kingdom of Morocco is encountering major obstacles in its implementation of a policy aimed at eliminating discrimination against women. However, the Moroccan Government, under the wise guidance of His Majesty the King, spares no effort in assuming its obligations in order to enable all its citizens, without discrimination, to fully enjoy their rights and freedoms. Ample evidence of this can be seen in the progress made since the ratification of the Convention, which is the subject of the present report.

Notes

1/ United Nations, Treaty Series, vol. 828, p. 221-293.

Annexes*

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Annex 2: Kingdom of Morocco. Prime Minister. Ministry of Planning - "Women and the Status of Women in Morocco" - Directorate for Statistics. CERED.

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Annex 3: Kingdom of Morocco. Prime Minister. Ministry for Economic Stimulation. "Moroccan annual statistical bulletin. 1993" - Directorate for Statistics. Only available in Arabic.

Annex 4: National Strategy for the Promotion of Moroccan Women to the year 2000. Roméo. In Arabic. 65 p.

Annex 5: International Labour Organization Conventions ratified by Morocco.